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23 October 1996

ORIGINAL: ENGLISH

Fifty-first session
Agenda items 24 and 77

LAW OF THE SEA

IMPLEMENTATION OF THE DECLARATION OF
THE INDIAN OCEAN AS A ZONE OF PEACE

Letter dated 18 October 1996 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I wish to refer to the letter dated 26 August 1996 from the Permanent Representative of the United Arab Emirates to the United Nations, which has been circulated as document addressed to you (A/50/1033), regarding objections of the United Arab Emirates to certain provisions of the Act on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Sea of Oman, 1993 ("Marine Areas Act"), and make the following clarifications:

1. Even before the enactment of the said Act, there existed a few acts and decrees pertaining to the Islamic Republic of Iran's rights and jurisdiction over its maritime areas, each of which dealt with one or more issues involving the law of the sea. The Marine Areas Act was drafted to consolidate and supplement all previous relevant legislative provisions into a single statutory instrument, taking into account the progressive development of the law of the sea, including the extension of the jurisdiction of coastal States.

2. There is no provision in the Marine Areas Act to impede navigation in the Persian Gulf and the Sea of Oman. The Islamic Republic of Iran does not object to the freedom of navigation, provided that such freedom is not prejudicial to the peace, good order or security of the coastal States, in conformity with international law.

3. Although paragraph 2 of the letter from the United Arab Emirates is irrelevant to the subject matter in question, I wish to refer to my previous letter dated 1 October 1996 addressed to you in this regard (S/1996/818).

4. The Islamic Republic of Iran reserves its right to make comments as regards certain provisions of the Federal Law No. 19 of 1993 in respect of the delimitation of the maritime zones of the United Arab Emirates of 17 October 1993 that contravene the relevant rules and provisions of the international law of the sea.

I should be grateful if you would have the text of the present letter circulated as an official document of the General Assembly, under agenda items 24 and 77.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative

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Agenda item 3

# CREDENTIALS OF REPRESENTATIVES TO THE FIFTY-FIRST SESSION OF THE GENERAL ASSEMBLY

## First report of the Credentials Committee

Chairman: Mr. Denis DANGUE RÉWAKA (Gabon)

1. At its 1st plenary meeting, on 17 September 1996, the General Assembly, in accordance with rule 28 of its rules of procedure, appointed a Credentials Committee for its fifty-first session consisting of the following Member States: China, Dominican Republic, Gabon, Netherlands, Paraguay, Philippines, Russian Federation, Sierra Leone and United States of America.

2. The Credentials Committee held its 1st meeting on 11 October 1996.

3. Mr. Denis Dangue Réwaka (Gabon) was unanimously elected Chairman.

4. The Committee had before it a memorandum by the Secretary-General, dated 9 October 1996, on the status of credentials of representatives to the fifty-first session. The memorandum indicated that, as at 9 October 1996, credentials issued by the Head of State or Government or by the Minister for Foreign Affairs, as provided in rule 27 of the rules of procedure of the General Assembly, had been submitted by 118 Member States (Afghanistan, Albania, Algeria, Andorra, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Comoros, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Djibouti, Ecuador, Eritrea, Ethiopia, Fiji, Finland, Gabon, Georgia, Germany, Ghana, Greece, Guinea, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Japan, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Oman, Pakistan, Panama, Paraguay, Portugal,

Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe). The Legal Counsel informed the Committee that, subsequent to the preparation of the memorandum, additional credentials in due form had been received in respect of the representatives of six Member States (Burundi, Democratic People's Republic of Korea, Denmark, Kazakstan, Jamaica and Niger) and updated the memorandum accordingly.

5. The Legal Counsel explained to the Committee that the Secretary-General's memorandum related solely to the Member States that had submitted formal credentials for their representatives in accordance with rule 27 of the rules of procedure of the General Assembly.

6. The Legal Counsel pointed out that the memorandum indicated that formal credentials had been submitted for the representatives of Afghanistan on 15 September 1996 by "Professor Burhan-u-ddin Rabbâni, President of the Islamic State of Afghanistan". He reminded the Committee that at the fiftieth session of the General Assembly, the Committee and the Assembly had accepted credentials for representatives of Afghanistan signed by the same authority. In addition, on 7 October 1996, a representative listed in the credentials of 15 September 1996, namely, Mr. Abdul Rahim Ghafoorzai, spoke in the general debate of the Assembly as the "Vice-Minister for Foreign Affairs of Afghanistan". No representative of a Member State challenged the presence or the credentials of Mr. Ghafoorzai. Thus, no challenge was made by a Member State to the credentials of Afghanistan within the terms of rule 29 of the rules of procedure of the Assembly.

7. The Legal Counsel also reported that the Secretariat had received two communications, on 3 and 10 October 1996, respectively, from the "Ministry of Foreign Affairs, Kabul, Afghanistan". One communication stated, inter alia, that the statements, actions and views of the delegation whose credentials were issued by President Rabbani were "not authoritative and legally valid" and that the said delegation "is not the legitimate representative of the Islamic State of Afghanistan and must not be given the opportunity to speak in sessions of the General Assembly". The other communication stated, inter alia, that "at the top of the diplomatic mission of Afghanistan there are individuals and personnel who belong to the previous regime, who are not acceptable to the new ruling Government of Taliban ... the Afghanistan seat must be reserved for the representatives of the new ruling Government of Afghanistan". The Legal Counsel stated that neither communication contained a list of purported new representatives of Afghanistan nor did either constitute provisional or formal credentials of representatives.

8. Regarding the credentials of representatives of other Member States participating in the fifty-first session whose formal credentials had not yet been received at the time of the Committee's first meeting, the Legal Counsel

stated that at a later stage the Secretary-General would report to the Committee on such credentials.

9. The representative of the United States of America proposed that, in the light of the complex situation and the circumstances on the ground, the Committee defer its decision regarding the credentials of the representatives of Afghanistan to a later meeting.

10. The representative of the Netherlands said that the Government of Afghanistan which had submitted credentials for its representatives at the fiftieth session of the Assembly was still the Government, and that therefore there was no reason not to accept the credentials as presented to the Secretary-General.

11. The representative of the Russian Federation said that it supported the proposal of the representative of the Netherlands; the most reasonable and cautious approach would be to confirm the credentials of Afghanistan submitted on 15 September 1996. He was of the view that although the decisions of the Committee were technical and not political in nature, the situation in Afghanistan was confused and any hasty decision by a United Nations body could be counterproductive. He stated that the Rabbani Government, on behalf of which Mr. Ghafoorzai had addressed the General Assembly, had confirmed its agreement to Assembly and Security Council decisions seeking a fair and lasting settlement of the situation in Afghanistan, a fact which should be taken into consideration.

12. The Chairman stated that as a technical body, the Committee could not enter into the politics of the question. Moreover, in his view, the United States proposal to defer consideration implied that the current situation with regard to the participation of the representatives of Afghanistan in the General Assembly would continue pursuant to the applicable rules of procedure of the Assembly, until the Committee had information that would lead it to recommend otherwise.

13. The representatives of the Russian Federation and the Netherlands indicated that in the light of the discussion and on the understanding that the current representatives of Afghanistan could continue to participate fully in the work of the General Assembly, they would go along with the proposal to defer the Committee's decision regarding the credentials of the representatives of Afghanistan until a later meeting of the Committee.

14. The Chairman proposed, in the light of the statements made in the discussion, that the Credentials Committee decide to defer any decision on the credentials of the representatives of Afghanistan until a later meeting. That proposal was adopted without a vote.

15. Turning to the draft resolution to be adopted by the Committee concerning all the credentials examined at its first meeting, the Chairman circulated a draft based upon resolutions adopted by the Committee at previous sessions. He noted that modifications would be necessary in the light of the decision just taken.

16. Following statements made by the representatives of the United States, the Netherlands, the Rus ian Federation, Paraguay and the Dominican Republic, and on the proposal of the r presentative of China, the Committee adopted the following draft resolution without a vote:

"The Credentials Committee,

"Having examined the credentials of the representatives to the fifty-first session of the General Assembly of the Member States referred to in the memorandum of the Secretary-General dated 9 October 1996,

"Taking into account the statements made during the debate,

"Accepts, subject to the decision contained in paragraph 14 of the report of the Credentials Committee, the credentials of the representatives of the Member States concerned."

17. The Chairman then proposed that the Committee should recommend to the General Assembly the adoption of a draft resolution (see para. 19). The proposal was adopted without a vote.

18. In the light of the foregoing, the present report is submitted to the General Assembly.

## RECOMMENDATION OF THE CREDENTIALS COMMITTEE

19. The Credentials Committee recommends to the General Assembly the adoption of the following draft resolution:

### Credentials of representatives to the fifty-first session of the General Assembly

The General Assembly,

Having considered the first report of the Credentials Committee and the recommendation contained therein,

Approves the first report of the Credentials Committee.

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